

IN THE CLAIMS:

Please amend claim 1 and cancel claim 8.

1. (Amended) An emulsified pavement treating conditioner [composition] comprising an aqueous emulsion of a quantity of bituminous pavement rejuvenator consisting [essentially] of a coal tar derivative containing a mixture of 5 di-, tri- and tetracyclic aromatic compounds and their alkyl homologs containing lower alkyl groups together with a quantity [significant amount] of phenolic and hydroxy derivatives, said mixture having a specific gravity at 25/25° C of at least 1.08, a maximum Brookfield viscosity at 25° C of 30 cps, and an initial 10 boiling point of at least 180° C and a continuous boiling range to at least 300° C, with 70-40 % by volume of the material remaining as residue at 300° C, and an aqueous emulsifying agent to form individually dispersed droplets of bituminous pavement rejuvenator in suspension.

REMARKS

Claims 1-12 stand rejected under 35 U.S.C. §112 and §103. Particularly in view of the above claim amendments, and for the following reasons, these rejections should be withdrawn.

Every claim amendment tacitly suggested by the Examiner has been adopted herewith. The "coal tar derivative" language has been left unamended because this represents an accepted term of art, as evidenced in its use in U.S. Patents No. 3,221,615, 3,261,269 and 4,661,378 of record. Other amendments have removed the objected to language "substantial," have changed the transitional phrase to "consisting of," and now specify the